In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 18653 of 2006

Date of Decision: 27.11.2006

Satinder Pal Singh and others.

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. Mohnish Sharma, Advocate
for the petitioners.

...

J.S. Khehar, J. (Oral).

Through the instant writ petition, the petitioners are impugning the advertisement dated 27.10.2006 (Annexure P-9), wherein, 15 posts of Music Mistress have been advertised. It is the vehement contention of the learned counsel for the petitioners, that male teachers, fulfilling the conditions of eligibility of Music Master, have been excluded from applying for the advertised posts.

On our asking, learned counsel for the petitioners handed over to us in Court today the Punjab State Education Class III (School Cadre) Service Rules, 1978 (hereinafter referred to as the 1978 Rules). According to the learned counsel for the petitioners, the 1978 Rules regulate the conditions of recruitment and appointment of Music Masters/Mistresses.

Having perused the 1978 Rules, we are satisfied, that the controversy in the instant writ petition has to be adjudicated upon in the background of Rule 3 of the aforesaid rules. Rule 3 of the 1978 Rules is, accordingly, being extracted hereunder:-

> "3. Number and character of posts:- The Service shall have two branches, namely, Men Branch and Women Branch and shall comprise the posts shown in Appendix 'A' of these rules.
>
> Provided that nothing in these rules shall affect the inherent right of Government to add to or reduce the number of such posts or to create new posts with different designation and scales of pay whether permanently or temporarily."

A perusal of Rule 3 of the 1978 Rules reveals, that the Service envisaged under the aforesaid rule has two branches, the Men Branch, which is separate and different from the Women Branch. While posts of Master are borne on the Men Branch, the posts of Mistress are borne on the Women Branch.

It is, therefore apparent, that the posts advertised on 27.10.2006 (vide advertisement Annexure P-9), pertain to the Mistress Cadre in connection with which the petitioners have no right, whatsoever. In any case, the contention of the learned counsel for the petitioners, that the petitioners should also be considered against the advertised posts of Music Mistress, is wholly misconceived on account of the fact, that the petitioners have not challenged the vires of Rule 3 of the 1978 Rules, extracted hereinabove. It will be open to the petitioners to stake their claim as and when posts of Music Master are advertised, subject to their fulfilling conditions of eligibility.

Dismissed.

(J.S. Khehar)
Judge.

(S.D. Anand)

Judge.

27.11.2006
sk.